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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,437	01/03/2001	Subodh K. Raniwala	40002-10217	3542

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Patent Docket Clerk
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Chicago, IL 60602

EXAMINER

CHORBAJI MONZER R

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/753,437

Applicant(s)

SUBDOH K. RANIWALA

Examiner

MONZER R CHORBAJI

Art Unit

1744

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


KHUSANNE THORNTON JASTRZEBSKI
PRIMARY EXAMINER

RESPONSE TO ARGUMENTS

On page 3 of the Remarks section, applicant argues that, "Nor does Richter have any disclosure as to bottle shape". The examiner disagrees. The abstract of Richter mentions two liter PET bottles, such that one of ordinary skill in the art would recognize that a two liter PET bottle has an opening with a smaller width than the width of its body portion.

On page 3 of the Remarks section, applicant argues that, "Thus, the examiner concludes that one of ordinary skill in the art would have been motivated, again without any suggestion from the references themselves, to modify Richter's method and apparatus to include a bottle inversion step". The examiner disagrees. The motivation for combining the references was provided in the office action dated 02/19/2004 on page 3, as follows: Thus, one having ordinary skill in the art would have been motivated to modify Richter's method and apparatus to include a bottle inversion step in order to flush the entire bottle of any foreign matter which inadvertently previously found its way into the bottle (Totten, col.1, lines 15-19).

On page 3 of the Remarks section, applicant argues that, "Thus, not only does Carlson fail to teach introducing an atomized sterilant into an inverted bottle, but clearly teaches away from the present invention". The examiner disagrees. The Carlson reference does not exclude sterilizing bottles and thus does not teach away from the instant claims. In addition, The Carlson reference is combined to only show that it is known to atomize sterilants from an exterior source to treat cartons.

On page 3 of the Remarks section, applicant argues that, "However, there is no teaching in Totten which would suggest to one skilled in the art that an atomized sterilant could be introduced into an inverted bottle as Totten only introduces a high volume rinse into the bottle". The examiner disagrees. The Totten reference is combined to show that it is known to invert bottles and to spray the bottles from a exterior source and not for introducing an atomized sterilant into the bottles.

On pages 3-4 of the Remarks section, applicant argues, "Furthermore, there is also absolutely no teaching or suggestion to modify the cone-shaped spray that covers the interior surfaces by direct impingement in Carlson with the use of Applicant's invention, which does not require direct impingement or a "line of sight spray" to cover all of the interior surfaces". The examiner disagrees. As mentioned above the Carlson reference is combined to only show that it is known to atomize sterilants from an exterior source and not for the mechanics of applying the sterilant. Since such mechanics have been disclosed in the Totten reference.

On pages 4-5 of the Remarks section, applicant argues that, "Spisak is wholly silent as to introducing a sterilizing agent, such as a supersaturated fog, to promote condensation of the particles on the bottle surface into an inverted bottle". The examiner disagrees. the Spisak reference does not exclude treating bottles. Further, the Spisak reference is combined only to show that it is known to fog hydrogen peroxide in the art of treating cartons.

On page 5 of the Remarks section, applicant argues that, "Thus, the examiner has not offered any evidence, nor is there any suggestion from the references, which would suggest why from Richter's, Carlson's, or Spisak's teachings, one skilled in the art would be motivated to introduce the atomized sterilant in an inverted position and still obtain a thin coat of sterilant on the interior surface of the bottle". The concept of obtaining a thin coat of sterilant on the interior surface of a container is disclosed in the Spisak reference. See col.1, lines 60-64 and col.5, lines 11-28. While the concept of inverting bottles is disclosed in the Totten reference as mentioned above such that the evidence of inverting bottles is to flush the entire bottle of any foreign matter which inadvertently previously found its way into the bottle. This evidence is disclosed in the Totten reference in col.1, lines 15-19.

On page 6 of the Remarks section, applicant argues that, "Thus, Spisak does not teach or remotely suggest a nozzle disposed under and exterior to the opening of a bottle be of such a structure as to introduce a sterilizing agent in the form of atomized particles onto the interior surface of the bottle while the bottle is in an inverted position". The examiner disagrees. As claim 29 recites, the Spisak reference teaches a nozzle disposed under and exterior to the opening of the bottle. See figure 3 where nozzle (114) is disposed under and exterior to the opening of the inverted bottles such that the bottles are inverted to drain the sterilant. The Spisak reference is combined for fogging hydrogen peroxide and not for atomizing since such a concept is disclosed in the Carlson reference. In addition, the concept of applying fluid while the bottles are in inverted position is disclosed in the Totten reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R CHORBAJ whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT J WARDEN can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).